

ORIGINAL

DT14 Res'd PCT/PTO 03 DEC 2004

FORM PTO-1390
Rev. 10-2004

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

Le. A 36 111

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/516778

INTERNATIONAL APPLICATION NO.

PCT/EP03/05695

INTERNATIONAL FILING DATE

30 May 2003

PRIORITY DATE CLAIMED

03 June 2002

TITLE OF INVENTION

Use of Compounds that Stimulate cGMP

APPLICANT(S) FOR DO/EO/US

Haning, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - 1) Certificate of Mailing under 37 C.F.R. 1.10;
 - 2) Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b);
 - 3) Information Disclosure Citation (Modified Form PTO-1449) and copies of references cited therein; and
 - 4) Return Receipt Postcard.

ORIGINAL

DT12 Rec'd PCT/PTO 03 DEC 2004

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|--|--|--|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.53) 10/516778 | | INTERNATIONAL APPLICATION NO. PCT/EP03/05695 | | ATTORNEY'S DOCKET NUMBER Le A 36 111 | |
|--|--|--|--|--|--|

| | | | | | | | |
|---|--------------|--------------|-------------|--|----|-----------|--|
| 21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$ 1110.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$ 950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$ 750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | CALCULATIONS PTO USE ONLY <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">\$ 950.00</td> <td style="width:50%; border: none;"></td> </tr> </table> | | \$ 950.00 | |
| \$ 950.00 | | | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | | | <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">\$</td> <td style="width:50%; border: none;"></td> </tr> </table> | | \$ | |
| \$ | | | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | | | |
| Total claims | 10 - 20 = | 0 | x \$18.00 | \$ 0.00 | | | |
| Independent claims | 5 - 3 = | 2 | x \$ 88.00 | \$ 176.00 | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$ 300.00 | \$ | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 1,126.00 | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">\$</td> <td style="width:50%; border: none;"></td> </tr> </table> | | \$ | |
| \$ | | | | | | | |
| SUBTOTAL = | | | | \$ 1,126.00 | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">\$</td> <td style="width:50%; border: none;"></td> </tr> </table> | | \$ | |
| \$ | | | | | | | |
| TOTAL NATIONAL FEE = | | | | \$ 1,126.00 | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | <table style="width:100%; border: none;"> <tr> <td style="width:50%; border: none;">\$</td> <td style="width:50%; border: none;"></td> </tr> </table> | | \$ | |
| \$ | | | | | | | |
| TOTAL FEES ENCLOSED = | | | | \$ 1,126.00 | | | |
| | | | | Amount to be refunded: | \$ | | |
| | | | | charged: | \$ | | |

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 13-3372 in the amount of \$ 1,126.00 to cover the above fees.
 A duplicate copy of this sheet is enclosed.


c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 13-3372. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)
 or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: **Customer No. 35969**

Jeffrey M. Greenman
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516


 SIGNATURE
Susan M. Pellegrino
 NAME
48,972
 REGISTRATION NUMBER

Attorney's Docket No. Le A 36 111

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haning, et al.

Serial No.: [to be assigned] National Stage Filing of PCT/EP03/05695

Filed: herewith

For: Use of Compounds that Stimulate cGMP

MAIL STOP PCT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450


CERTIFICATE OF MAILING UNDER 37 CFR 1.10I hereby certify that the *attached* correspondence comprising:

- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 [IN DUPLICATE];
- ☒ Application Data Sheet under 37 C.F.R. 1.76;
- ☒ Preliminary Amendment;
- ☐ Original oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4));
- ☒ English Translation of the Application (35 U.S.C. 371(c)(2));
- ☒ Copy of the International Application as filed (35 U.S.C. 371(c)(2));
- ☒ Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98 consisting of Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b), Information Disclosure Citation (Modified Form PTO-1449) and copies of references cited therein;
- ☒ Return Receipt Post Card;
- ☐ Other:

is, on the date shown below, being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ED014822315US addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

.....December 3, 2004.....
Date


Signature of Person Certifying / Susan Pellegrino